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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirteenth session

SUMMARY RECORD OF THE THIRTIETH MEETING

Held at the Palais des Nations, Geneva,
on Monday, 20 November 1995, at 10.30 a.m.

Chairperson: Mr. GRISSA

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In the absence of Mr. Alston, Mr. Grissa, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.45 a.m.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/C.12/1995/9)

1. Mrs. JIMENEZ BUTRAGUEÑO asked whether her paper containing the draft general comment on the rights of older persons (E/C.12/1994/WP.16/Rev.2), a topic on which the Committee had been working for some five years, would be discussed during the session. It was an important and increasingly pressing issue on which there was no binding international agreement. She had concerned herself closely with the matter in recent years and next year might be her last on the Committee. She would thus be inclined to refrain from devoting any additional time to it if it was not to be considered further by the Committee at the current session.

2. The CHAIRPERSON suggested that the question might be considered under item 2, "Organization of work".

3. Mrs. JIMENEZ BUTRAGUEÑO asked why that particular general comment had not been placed on the agenda as a specific item, as other draft general comments had been in the past.

4. The CHAIRPERSON said that the reason was no doubt the pressure of work and the choices that had had to be made. Should the Committee consider the point important, however, it could be included as a separate agenda item.

5. Mr. CEAUSU said that discussion of the draft general comment in question fell squarely under item 7, concerning the formulation of suggestions and recommendations of a general nature, which was scheduled for Thursday, 7 December. Nevertheless, it could be taken up on the morning of Monday, 4 December, which had been set aside for a general discussion on the draft optional protocol to the Covenant, since the revised report expected from Mr. Alston on that subject was not yet available.

6. Mr. SIMMA agreed that the draft general comment needed to be discussed and he supported Mr. Ceausu's comments on timing.

7. Mrs. JIMENEZ BUTRAGUEÑO thanked Committee members for their support and said she welcomed their suggestions.

8. The CHAIRPERSON said he took it that the Committee wished to adopt the provisional agenda, with the addition of an item on the draft general comment on the economic, social and cultural rights of older persons.

9. The provisional agenda (E/C.12/1995/9), as amended, was adopted.

ORGANIZATION OF WORK (agenda item 2) (E/C.12/1995/L.2)

Draft programme of work

10. The CHAIRPERSON suggested that the draft general comment on the rights of older persons should be considered at the afternoon meeting on Friday, 24 November 1995, thus replacing the discussion on the draft optional protocol.

11. Mr. TEXIER said that he had no objection to the suggestion. The Committee should indeed endeavour to adopt its general comment on the rights of older persons after so many years of discussion. On the other hand, the general discussion on the draft optional protocol scheduled for Monday, 4 December should be maintained, even in the absence of the awaited revised report. The Committee had the existing report and a number of papers and suggestions submitted by non-governmental organizations (NGOs) which could contribute to further in-depth reflection pending receipt of the revised report.

12. The CHAIRPERSON pointed out that in his letter, Mr. Alston, had said that, unable as he was to attend the current session, he would be deferring his presentation of the proposed new approach to the question of the Optional Protocol until the May session, but had suggested that the Committee might wish to devote one meeting to comments and inputs by Committee members, NGOs and outside experts. The Committee might wish to agree with Mr. Alston's suggestion and send him a copy of the records of the Committee's deliberations on that issue.

13. Mr. SIMMA said that he understood from Mr. Alston's letter that there would indeed be a proposed change in approach to the question of the Optional Protocol. The discussion on Monday, 4 December, would accordingly be of a general nature, with inputs from NGOs, experts and the Committee members themselves, including information on interesting recent developments within the European Union and States parties.

14. The CHAIRPERSON said he took it that the Committee agreed to the draft programme of work (E/C.12/1995/L.2), as amended.

15. It was so decided.

Hearings of non-governmental organizations

16. Mr. TIKHONOV (Secretary of the Committee) announced the list of speakers representing NGOs at the afternoon's hearings, which would not be covered by summary records. On the third periodic report of Colombia, the speakers would be Mr. Alberto León Gomez Zuluaga (Comisión Andina de Juristas, Seccional Colombiana), Mr. Aliri Uribe (Colectivo de Abogados "José Alvear Restrepo" and Asociación de Abogodas Laboralistas al Servicio de los Trabajadores de Colombia), Ms. Amanda Romero (Latin American Institute for Alternative Legal Services (ILSA)/Foodfirst Information and Action Network (FIAN)), Ms. Patricia Gonzalez (FUNDAP (Madres comunitarias)) and Mr. Michael Windfuhr, (FIAN International). On the initial report of Algeria, the speaker would be Dr. Geneviève Jordan (Women's International League for Peace and Freedom). He

also drew attention to a number of documents concerning Colombia which had been distributed to Committee members in the languages in which they had been received shortly before the session. Other documents received that morning would likewise be distributed. A statement might also be made by the representative of a Ukrainian NGO, and a written submission concerning Ukraine's third periodic report, received that morning, was available in Russian.

Note verbale from the Government of Sri Lanka

17. The CHAIRPERSON invited the Secretary to inform the Committee of the contents of a note verbale received from Sri Lanka.

18. Mr. TIKHONOV (Secretary of the Committee) said that, in response to the decision to review the situation regarding the implementation of the Covenant in Sri Lanka at its May 1996 session in the absence of a report from that country, the Sri Lankan Government, stressing the importance it attached to the provisions of the Covenant, had informed the Committee that it would submit its initial report by the end of December 1995 and requested that it be considered at the fourteenth session, in the Spring of 1996.

19. None the less Sri Lanka's suggestion would entail a number of practical difficulties that the Committee should bear in mind when taking its decision. Sufficient time would have to be allowed for the processing and translation of the report into all working languages; the preparation of country files and country analysis; the drafting by a pre-sessional working group of the list of issues to be taken up in connection with the report; the dispatch of the list of issues to the Sri Lankan Government and the processing of the Government's written replies. Last but not least, the Committee usually dealt with reports in the order in which they were received.

20. Mrs. BONOAN-DANDAN said she welcomed Sri Lanka's willing attitude, but suggested that consideration of the report should be deferred until the subsequent session, for the reasons outlined by the Secretary. Moreover, the Committee needed sufficient time to collect as much information as possible on the reporting country, where the situation appeared to be critical, including information from non-governmental sources.

21. Mr. SIMMA said that the Sri Lankan Government was concerned about costs hence the suggestion to submit its report to the Committee immediately after the 1996 session of the Commission on Human Rights, something which afforded the opportunity to use experts from the same delegation. Perhaps Sri Lanka's report could be considered at the sixteenth session, which would also be held immediately after the 1997 session of the Commission on Human Rights. In that way, both the Committee and the Sri Lankan delegation could make better preparations.

22. Mr. TEXIER said that the decision to inform a State party which had failed to comply with its reporting duties that the situation in its country would be considered without a written report or meeting with a delegation had yet again prompted a positive response. None the less, it was important not to penalize States which had already submitted reports that had not yet been considered by the Committee. Bearing that in mind, a suitable date should be

fixed, so as to obviate undue delay yet allow adequate time for the necessary preparations. Perhaps the Committee could revert to the matter in the latter part of the session.

23. The CHAIRPERSON pointed out that there were still 19 country reports waiting to be considered, and they would occupy the Committee for at least the next four sessions. The Committee was not yet in a position to set a date for consideration of the Sri Lankan report; much depended on its workload over the coming months. However, Sri Lanka should be asked to submit its report without further delay.

24. Mr. RATTRAY said the question of how to deal with States whose reports were long overdue was difficult and gave rise to certain contradictions. If Sri Lanka had failed to reply, the Committee would presumably have done its best to assess the situation on the basis of whatever information it had managed to collect. Moreover, if the Committee had decided to deal with the situation in Sri Lanka at the fourteenth session, the only additional problem it would now face would be that of translation of the report into the working languages. He was somewhat uneasy about the consistency of the Committee's approach to such matters. Admittedly, States which had submitted reports should not be subjected to any unnecessary delay, but there was some justification for giving a degree of priority to countries such as Sri Lanka that had not fulfilled their reporting duties for a very long time but which had responded to the Committee's appeal for information.

25. The CHAIRPERSON suggested that, in view of its favourable response to the Committee's request, Sri Lanka should be given the benefit of the doubt. Rather than discuss the country's situation without a report, the Committee should defer its consideration of the issue until the end of December, the date by which Sri Lanka had indicated it would submit the report. If the report had not been received by then, the Committee could work out an alternative strategy.

26. In response to a request by Mrs. BONOAN-DANDAN, who recalled the case of Lebanon, Mr. TIKHONOV (Secretary of the Committee) said that the main purpose of the Committee's decisions regarding States parties that had not submitted a report for more than 10 years was indeed to obtain a report in writing. The letters which the Chairman sent out to Governments invited them to submit such a report and informed them that, if they did not do so, the Committee would proceed to discuss the situation in their country on the basis of all the information available to it. The Government of Sri Lanka had promised to send a written report, but the Government of Lebanon had submitted a report at the very last moment and the Committee had decided to consider it in conjunction with all the available information. The situations with regard to Sri Lanka and Lebanon were therefore quite different. In the case of Sri Lanka, the Committee had already acknowledged with appreciation the Government's readiness to submit a written report. Once the report was received, the Committee would have to decide whether it would make an exception to its rule that reports should be considered in the order in which they were received. A decision to do so would mean delaying consideration of other reports. Moreover, the Government of Sri Lanka had linked consideration of its report to the presence, in 1997, of its delegation to the annual session of the Commission on Human Rights, which would take place for the first time, on an

experimental basis, in March and April instead of beginning at the end of January. There would be no problem in accommodating the Government of Sri Lanka in that respect.

27. The CHAIRPERSON suggested that the Committee might hear the delegation's oral report, pending receipt of a subsequent written report.

28. Mrs. BONOAN-DANDAN said that when the Committee decided to take up the situation in a State party that had not submitted a report, it would normally be unwise to change such a decision. However, the Chairperson's suggestion should be accepted: Sri Lanka should be allowed to make an oral presentation, but should wait its turn in the queue. In that way, a decision to proceed with consideration would not be thwarted by a promise to submit a report a few days ahead of the Committee's session.

29. Mr. SIMMA said that there were 19 reports waiting in the pipeline and, even if Sri Lanka's report was considered in the Spring of 1997, Sri Lanka would still jump the queue. In any case it would be advisable to defer consideration for one more year, so that the Government could provide an appropriate delegation. He agreed with Mr. Rattray's comment regarding defaulting States parties that finally produced a report.

30. The CHAIRPERSON pointed out that a change in the order in which the Committee wished to consider reports could create difficulties for the translation process. The secretariat might wish to give some information on that subject.

31. Mr. TIKHONOV (Secretary of the Committee) said it was not possible to expect special treatment to be given to a document that had only just arrived. The situation with regard to editing was not so bad, but it was difficult with regard to translation. The resulting problems had already been faced by a pre-sessional working group which had had to prepare the lists of issues from documents existing solely in the original language. An example of the difficulties created was afforded by a report in Russian from Belarus which had not been fully processed owing to a shortage of funds and time. In the past, the situation had been easier because there had not been a backlog of reports, but circumstances had changed and there were now 19 reports pending consideration. In fact, one of the reasons why the Economic and Social Council had approved the Committee's application for a second regular session had been the backlog. A decision on how to proceed with Sri Lanka's report could perhaps be taken by the Bureau. It should be remembered that no report had actually been received from Sri Lanka. If none was received by the fourteenth session, in May 1996, the Committee would in any case proceed to consider the situation in Sri Lanka on the basis of all available information. If a report was so received, a decision on how to proceed would be required.

32. The CHAIRPERSON suggested that the matter should be further discussed by the Bureau. The Committee could either hear an oral report from Sri Lanka and then wait until the regular process allowed it to consider the written report or it could examine the situation in Sri Lanka as if the note verbale had not been received. In his opinion, it would be better to hear an oral report and then wait, until 1998 if necessary, for an opportunity to discuss the written report.

33. Mrs. JIMENEZ BUTRAGUEÑO said that she was in favour of the second option. The Committee should express its appreciation of the future report and then complete its consideration in a single discussion.

Situation regarding provision of documentation

34. The CHAIRPERSON invited Mr. Bahi, Chief of the Conference Service, to provide information on the problems currently facing the Conference Service and their consequences for the work of the Committee.

35. Mr. BAHI (Chief, Conference Service) said that the difficulties regarding the processing of documentation had increased considerably over the past three years, largely because of the transfer of several secretariats to the United Nations Office at Geneva, the establishment of new bodies and the broader mandate conferred on others. By the end of 1994, the backlog of documents to be processed had accumulated and alone amounted to 10 months' work. In view of such circumstances, the Director-General had established a steering committee which had submitted a report to the Secretary-General. As a result, in July 1995 the Secretary-General had instructed the Director-General to implement new measures for the supply of documentation largely based on the decisions of the General Assembly and the Economic and Social Council, as well as on guidelines issued by the Committee on Conferences.

36. Efforts were being focused on how to handle the volume of documentation, through compliance with rules regarding timely submission of documents and simultaneous distribution in all working languages. Documents Control had been given greater authority and could no longer be bypassed when documents were submitted for processing. An attempt was being made to apply the rules as strictly as possible. Equal treatment of languages in fact entailed a greater workload for the Conference Service. Since the new regulations had come into force in September, it had been decided that priority should be attached to documentation for future meetings and that every effort should be made to avoid adding to the backlog. Lengthy documents, in particular, placed a heavy burden on the Conference Service, and hence the refusal to process some of them of late.

37. The cost of translation of one page into all the official languages and reproduction in the requisite numbers amounted to US$ 1,500, based on the notion of a page containing 330 words. Most of the Committee's documents contained 500 words a page. He would stress that the main problem facing the Conference Service was how to handle the increasing workload with dwindling resources. Among other things, resources did not permit the recruitment of sufficient temporary translators at particularly busy times of the year. The idea was to service meetings as well as possible, making the most efficient use of the limited resources available. While the Committee would need to discuss all options and reach a decision on the basis of its own requirements, it might wish to bear in mind a number of measures implemented recently by other United Nations bodies. For instance, the Executive Committee of the Office of the United Nations High Commissioner for Refugees had achieved a 30 per cent reduction in documentation by substantially decreasing the number of reports and making drastic cuts in the documents prepared by its secretariat. The UNDP/UNFPA Executive Board had adopted similar measures and

had also decided to dispense with summary records, which was the most costly service provided by the Conference Service. Indeed, summary records accounted for 80 per cent of the backlog of documents awaiting translation.

38. Mr. TEXIER said that the situation regarding documentation was indeed deplorable and the Committee was duty bound to state its views on the matter, possibly by drafting an appropriate resolution at the present session. The situation was the result of the hypocrisy of many Member States which, while publicly declaring their commitment to the observance of human rights and the work of the United Nations in that regard, were somewhat less enthusiastic about paying their budget contributions. If, in view of the circumstances, an overall reduction in the Committee's documentation proved unavoidable, then clearly it was for Committee members, rather than the Centre for Human Rights, to decide which documents should be given priority and which needed to be translated. The matter certainly warranted serious consideration at the present session.

39. Mr. SIMMA said he did not consider that the Committee had been particularly wasteful in regard to documentation. Furthermore, by deciding to omit the summaries relating to the consideration of reports, in recent years it had virtually halved the size of its annual reports. Personally, he would be opposed to the idea of dispensing with summary records in future. For those monitoring the situation in the reporting State, the summary record and the Committee's concluding observations were an essential complement to the State party's report. The possibility of preparing summary records in only one or two languages might be considered, but it was difficult to decide which languages should be chosen. He concurred with the view that such matters must be taken up at the present session.

40. The CHAIRPERSON pointed out that each member would probably want to have his own working language as one of the two languages selected.

41. Mrs. JIMENEZ BUTRAGUEÑO said that, although her mother tongue was Spanish, she would not insist on Spanish being one of the two languages selected, which should be English and French. The important point was that the summary records should be available, since they were most helpful.

42. Mr. BAHI (Chief, Conference Service) said that it would, of course, be for the Committee to decide how to use the capacity available. The secretariat would be very pleased to submit some proposals for the Committee's consideration.

43. The CHAIRPERSON expressed the hope that any new arrangements would not undermine the Committee's efficiency.

Proposed film on the Committee's work

44. The CHAIRPERSON informed the Committee that DPI would like to make a film on the Committee's work. If there was no objection, he would take it that the filming would be acceptable.

45. It was so decided.

Other matters

46. Mr. SIMMA recalled that, at previous sessions, a representative of the Secretary-General had reported on recent developments in human rights matters at the beginning of the session. That had not been done on the present occasion. Again, for many years the secretariat had been promising that a treaty body room containing all relevant documents would be made available. Some information on those two points would be appreciated.

47. Mr. TIKHONOV (Secretary of the Committee), said that the High Commissioner for Human Rights and the Assistant-Secretary-General for Human Rights were at present away on mission. However, the latter would make a statement later in the session. A special facility for all treaty bodies and human rights experts was being prepared and work on it should be completed by the end of the year.

The meeting rose at 12.20 p.m.